

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

DARRYL HARRIS,

Defendant.

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DATE FILED:

07-CR-1134 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

At a conference before the Court held on July 21, 2008, the Court adopted the following schedule:

Jury selection and trial will begin on September 22, 2008, at 9:30 a.m.

The Government shall turn over to Defendant, pre-marked, all exhibits it intends to introduce in its case-in-chief at trial by no later than September 5, 2008. The Government also will provide, by September 5, 2008, notice of any evidence it will introduce pursuant to Federal Rule of Evidence 404(b). Requests to charge and proposed voir dire also shall be submitted by no later than September 5, 2008.

All in limine motions shall be served by no later than September 12, 2008. Opposition papers shall be served by no later than September 16, 2008 at 12 p.m.

The Government shall turn over all *Giglio* and 3500 material by no later than September 19, 2008.

With respect to reciprocal discovery, all discoverable material obtained hereinafter by Defendant shall be turned over to the Government within one week of receipt by Defendant's counsel. If, however, the discoverable material is obtained within one week of trial, it shall be turned over to the Government immediately.

The Court will hold a final pretrial conference on September 17, 2008, at 2 p.m.

For the reasons described on the record, Defendant's motion to disclose the identity of the Government's witnesses and/or confidential informants is denied. Defendant's motion to suppress the photo identification of Defendant – as well as any derivative in-court identification of Defendant – is denied. Defendant's motion to compel the production of Brady material is denied as moot. Defendant's motion to suppress impeachment materials also is denied as moot.

Defendant's motion to compel the production of 404(b) material is granted and will be governed by the scheduling order outlined above. In addition, the Government will provide to Defendant the criminal history of Christina Dawn Davis by September 5, 2008.

Pursuant to 18 U.S.C. § 3161(h)(8)(A), time is excluded until September 5, 2008.

SO ORDERED.

DATED: July 22, 2008
White Plains, New York


KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE